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April 13, 2012

BY ECF

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Eastern District of New York
271 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Persico, et al., S-4 10 Cr. 147 (SLT)

Dear Government Counsel:

In response to your April 10, 2012, request for alibi notice, we ask, pursuant to Rule 12.1 of the Federal Rules of Criminal Procedure, that you provide the date, time and location of the meeting you claim occurred among Michael Persico, Anthony Preza, John Doe #2 (a.k.a. Anthony Russo) and “another individual” in relation to the conduct charged in Count One, Racketeering Act Twelve, and Counts Four and Five of the indictment. See Affidavit of FBI Agent Chance Adam dated March 30, 2012, at 6-7, ¶ 10. Specifically, you allege that Mr. Persico and Mr. Preza (alleged Colombo “associates”) prevented Russo (a Colombo “captain”) from opening a competing valet business. See id. You further maintain that Russo and “another individual” scheduled a meeting with Mr. Preza to get his advice about opening a valet business, id., and that, when Russo and the other individual arrived at the meeting, Mr. Persico was present. Id. You then claim that at this meeting Mr. Persico and Mr. Preza induced Russo to refrain from opening the competing valet business by instilling in him a fear that, if he operated that business, he or others would suffer physical and economic harm. Id.

Once you have furnished the requisite information regarding the date, time and location of this purported meeting as Rule 12.1 requires, we will supply you with any appropriate alibi notice.

Very truly yours,
/s/
Sarita Kedia

Paul Shechtman